

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL UTILITY ORDERS
Selected for Publication
February 2002

February 8, 2002

In the Matter of the
Investigation Into

DOCKET NO. UT-003022

U S WEST COMMUNICATIONS,
INC.'S¹

Compliance with Section 271 of
the Telecommunications Act of
1996

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In the Matter of

DOCKET NO. UT-003040

U S WEST
COMMUNICATIONS, INC.'S

TWENTY-FIFTH SUPPLEMENTAL ORDER
GRANTING IN PART AND DENYING IN
PART PETITIONS FOR RECONSIDERATION

Statement of Generally
Available Terms Pursuant to
Section 252(f) of the
Telecommunications Act of 1996

Since the FCC's Order on Remand held that traffic delivered by local providers to an ISP is not "telecommunications" but rather is information access service that falls within the category of "information access" in section 251(g) and that compensation for traffic delivered to an ISP is subject to FCC jurisdiction under section 201, state commissions no longer have authority to address the issue of compensation for such traffic. Thus, Qwest must modify its SGAT accordingly and the issue is removed from consideration in evaluating Qwest's

¹ Due to a merger, U S WEST Communications, Inc., is now known as Qwest. The name Qwest is used throughout this Order.

responsiveness to competitors prior to an application for authority to provide interLATA toll service under section 271 of the Telecommunications Act of 1996. ¶¶9-10; *Implementation of the Local Competition Provision in the Telecommunications Act of 1996 and Inter-Carrier Compensation for ISP-Bound Traffic*, Order on Remand and Report and Order, CC Docket Nos. 96-98 and 99-68, 16 FCC Rcd 9151 (2201) (Order on Remand).

Qwest must modify its SGAT to reflect that a terminating party need only demonstrate that its switch serves a geographic area comparable to that of Qwest's tandem switch to receive the tandem switching rate and tandem transmission rate in addition to the end office termination rate. ¶¶16-19; *In the Matter of Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92, *Notice of Proposed Rulemaking*, FCC 01-132, ¶105 (rel. April 27, 2001); *U S WEST Communications, Inc. v. WUTC*, 255 F3d 990, 997-998 (9th Cir.,2001)

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In the Matter of the
Investigation Into

DOCKET NO. UT-003022

U S WEST
COMMUNICATIONS, INC.'S²

Compliance with Section 271 of
the Telecommunications Act of
1996

.....

In the Matter of

DOCKET NO. UT-003040

U S WEST
COMMUNICATIONS, INC.'S

TWENTY-SIXTH SUPPLEMENTAL ORDER
DENYING QWEST'S PETITION FOR
RECONSIDERATION

Statement of Generally
Available Terms Pursuant to
Section 252(f) of the
Telecommunications Act of 1996

The Commission denies Qwest's petition for reconsideration of the Commission's 15th Supplemental Order and orders (1) proportional pricing must be applied when facilities are used for both interconnection and special access, and (2) of the company must incorporate Centrex Prime prices in Qwest's tariff or price lists that contain the terms and conditions of Centrex Prime service.

Absent a legal prohibition on their combination, CLECs must be permitted to take advantage of both the scale economies that arise from aggregating multiple circuits on a larger facility and the discount prices available for facilities used for interconnection. To find otherwise would be to allow a pricing distinction to require

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separation of circuits based on how they are used and thereby cause smaller, less efficient, facilities to be employed. ¶¶13,15

Without a showing that universal service depends on revenues from special access circuits or that revenues would be diminished with proportionate pricing, there is no basis to conclude that universal service will be undermined by a decision to allow competing carriers economies of scale and interconnection discount pricing. ¶16

Qwest's provision of a pricing schedule for Centrex Prime to its own sales staff, but not to resellers, is an unreasonable impediment to resale. Reviewing already-executed contracts only allows resellers to know what offers customers have accepted from Qwest, not what Qwest is currently offering. ¶20

Commission acceptance of a tariff that states that prices are to be developed on an individual case basis is not approval of the tariff and does not prevent the Commission now from determining whether Qwest's practices constitute an unreasonable impediment to resale. ¶21

The appropriate way to publish Centrex Prime prices is not in the SGAT but rather in the tariff or price list containing the terms and conditions of the Centrex Prime service itself. ¶22

February 8, 2002

BERNICE BRANNAN, et al,

Complainants,

v.

QWEST CORPORATION, et al,

Respondent.

DOCKET NO. UT-010988 ET. AL.

ORDER CLARIFYING ORDER GRANTING
SUMMARY DETERMINATION

The Commission clarifies that in its order granting summary determination it did not rule on the question of whether a consensual relationship exists between the Lummi and Swinomish tribes and respondent utilities.